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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,317	06/25/2003	Peter J. Gilbert	C02-29	3150
40990	7590	12/16/2004		
ACUSHNET COMPANY 333 BRIDGE STREET P. O. BOX 965 FAIRHAVEN, MA 02719			EXAMINER BLAU, STEPHEN LUTHER	
			ART UNIT 3711	PAPER NUMBER

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,317

Applicant(s)

GILBERT ET AL.

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species 1 (Fig. 2) claims 1-9 in the reply filed on 13 October 2004 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 is indefinite in that the "may" in line 2 is indefinite. It is uncertain whether the function may refers to can be performed or not. It is recommended to replace the word "may" with the words -- is able to -- to remove this rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3711

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay in view of Galloway.

McKay discloses a first body of variable stiffness/C.O.R. in the form of different desired pressures a plastic core (Col. 4, Lns. 54-58) is inflated to (Col. 6, Lns. 16-17), a rear cavity extending rearward from a front face (Fig. 5), a plastic core of a second material less dense and more flexible than a first material in the form of metal of various types (Col. 4, Lns. 1-10), compressed gas (Col. 4, Lns. 54-58), a rear cavity comprising an opening that is sealed by a visible portion of a core in the form of a head not having a plug (Col. 6, Lns. 15-23 (The terms a closure can be installed implies that it doesn't have to be.)), and the curvature and configuration of the striking face are all of conventional design and configuration (Col. 5, Lns. 19-23). McKay does not disclose the density of the plastic core but clearly an artisan skilled in the art of making an expandable core would have selected a suitable density for the flexible plastic core in which having a density equal or less than 4.5 gm/cc is included.

McKay lacks an internal volume between 35 cc to 50 cc, a plastic core having a density equal or less than 4.5 gm/cc, a stiffness of a front face being greatest at a face center and progressively more flexible away from a face center, a coefficient of Restitution varying across a front face, a maximum C.O.R. ranging from about .8 to .9, and air.

Galloway discloses a metal head having an external volume between 35 cc to 40 cc (Abstract), a stiffness of a front face being greatest at a face center and progressively more flexible away from a face center and a coefficient of Restitution varying across a front face in the form of the thickness profile of the face (Col. 8, Lns. 10-35), and a maximum C.O.R. ranging from about .8 to .9 (Col. 8, Lns. 51-60) in order to have a head with a high Coefficient of Restitution (Col. 2, Lns. 50-53). Galloway does not disclose the internal volume of the head but clearly it has one and one skilled in the art would have selected a suitable internal volume in which an external volume between 35 cc to 40 cc is included. In view of the patent of Galloway it would have been obvious to modify the head of McKay to have an internal volume between 35 cc to 40 cc, a stiffness of a front face being greatest at a face center and progressively more flexible away from a face center, a coefficient of Restitution varying across a front face, and a maximum C.O.R. ranging from about .8 to .9 in order to have a head with a high C.O.R. and in order to provide the advantages of McKay to a high C.O.R. head as Galloway.

It would have been obvious to modify the plastic core of McKay to have a density equal or less than 4.5 gm/cc in order to minimize the weight added to a head and in order to make a core inflate easy by not being too dense.

It would have been obvious to include in the head of McKay a gas being air in order to minimize the costs to manufacture a head.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 2002-336389, 8-224326, and 5,632,693 disclose pressurized cores.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 11 December 2004


STEPHEN BLAU
PRIMARY EXAMINER